



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING July 16, 2009

Board Members Present:	Ron Barbato, PT, Chair Peggy Block, PT, Chair-elect Charles Clark, PT Janice Kuperstein, PT Troy Grubb, PT Virginia Johnson, Public Member
Board Staff:	Rebecca E. Klusch, Executive Director
Board Agents:	Mark Brengelman, Assistant Attorney General, Board Counsel
Others:	Laura Wallace, University South Florida P.T. student
Absent:	Margaret Blain, PT

A meeting of the Kentucky Board of Physical Therapy Complaint Committee was called to order at 1:00 p.m., Wednesday, May 20, 2009, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Troy Grubb. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 5:30 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Ron Barbato, at 9:00 a.m., Thursday, July 16, 2009, at the Board office. A quorum was present.

Motion was made by Troy Grubb, seconded by Virginia Johnson to approve the minutes as amended of the May 21, 2009, Board meeting. Motion carried.

Complaint Committee

Dubin Orthopaedic Centre, P.S.C v. Kentucky Board of Physical Therapy. The Supreme Court ruled in Dr. Dubin's favor. A *Petition for Rehearing* has been filed.

C2007-30 Kentucky Board of Physical Therapy v. Connie Rinckel, P.T. Motion was made by Janice Kuperstein to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Mark Brengelman and Laura Wallace left the room. Motion was made by Peggy Block to come out of closed session, seconded by Chuck Clark. Motion carried. A motion was made by Peggy Block,, seconded by Chuck Clark to permanently revoke Ms. Rinckel's physical therapy license. Motion carried

C2008-07 Case is ongoing.

C2008-16 Notice of Administrative Hearing and Order has been filed. Case is ongoing.

BIC2008-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order with settlement authority given to Board Counsel. The Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee member Ron Barbato and Troy Grubb recused from voting.

BIC2008-29 The Board will draft a written response to Executive Counsel's letter. Case is ongoing.

C2009-01 Motion was made by Janice Kuperstein to go into closed session per KRS 61.810(1) (c) and (j), seconded by Chuck Clark. Motion carried. Laura Wallace left the room. Motion was made by Troy Grubb to come out of closed session, seconded by Peggy Block. Motion carried. Case is ongoing.

C2009-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327 and approve the applicant for certification. Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Troy Grubb and Ron Barbato recused from voting.

C2009-09b Case is ongoing.

C2009-10 Case is ongoing.

C2009-16 Case is ongoing.

C2009-17 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Matt Ehrhard, D.C. The Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee member Ron Barbato and Troy Grubb recused from voting.

C2009-20- Reinstatement of License and Settlement Agreement was reviewed by the Board. Case is closed.

C2009-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327 and approve the applicant for certification. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Troy Grubb and Ron Barbato recused from voting.

C2009-22 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist Affidavit. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee member Ron Barbato and Troy Grubb recused from voting.

C2009-23 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee member Ron Barbato and Troy Grubb recused from voting.

C2009-24 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist Affidavit if warranted. Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-25 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

R2009-26 thru 51 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Show Cause Order with settlement authority given to counsel. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

R2009-51-99, 26, 38, 43, 44, 45 and 48 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Show Cause Order with settlement authority given to counsel. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

The Board approved requests for extension of CEU Audit for Roger Behrman, PT and Rebecca Foster, PT.

The Board reviewed with approval the IPTPC report submitted by Brian Fingerson.

Update on Monitoring Probations

Update on monitoring probations was given for the following with approval: April Coldiron, PT; James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT; Malton Schexneider, PT.

Board and Administrative Business

Beth Ennis, PT, First Steps provider, addressed the Board regarding First Steps IFSP procedures. A Declaratory Opinion was drafted by the Board and a motion was made by Janice Kuperstein, seconded by Peggy Block, to publish the Declaratory Opinion governing assessments under the authority of the First Steps program.

Katherine Perkins, PT, wrote an email to the Board with questions regarding 201 KAR 22:053 Section on Discharge Summaries. A Declaratory Opinion was drafted by the Board and a motion was made by Janice Kuperstein, seconded by Peggy Block, to publish the Declaratory Opinion governing the completion of the discharge summary.

The Board approved the 2010 meeting dates as January 21, March 18, May 20, July 22, September 16 and November 18.

Other Board Matters

FSBPT Annual Meeting in San Diego, CA October 1-4, 2009. Peggy Block made a motion, seconded by Troy Grubb to fund Virginia Johnson to attend the FSBPT annual forum. Motion carried. It is noted that Margaret Blain, delegate, Janice Kuperstein, alternate delegate, Chuck Clark and Becky Klusch is noted as previously approved to attend.

FARB Attorney Certification Seminar in Chicago, IL October 2-4, 2009, Troy Grubb and Ron Barbato is noted as previously approved to attend.

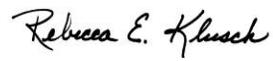
Peggy Block and Virginia Johnson did not attend the NCIT training June 1-3, 2009, due to personal reasons.

Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement ending June 30, 2009.

A motion was made by Virginia Johnson, seconded by Charles Clark to adjourn the meeting at 4:40 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rebecca E. Klusch".

Rebecca E. Klusch
Executive Director